

pert witnesses have given here. They are not evidence of any fact at all. They are, after all, as I say, illustrative of evidence, and are to be used by you for that purpose only.

The jury thereupon retired, and after due deliberation returned a verdict for the Government, and in accordance with said verdict a decree of condemnation and forfeiture was entered on December 31, 1919, and the product was ordered released to the said Sterling Products Co., claimant, upon the execution of a bond and the payment of all costs, for reshipping the product to Evansville, Ind., for destruction and for the purpose of salvaging the bottles. On March 17, 1920, the matter having come on for hearing upon the motion of the United States attorney for a rule on said Sterling Products Co. to comply with the provisions of said decree and said claimant company having entered its disclaimer and refused so to do, it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6930. Adulteration of oranges. U. S. * * * v. Welbanks & Co., a corporation. Tried to the court. Adjudged guilty. Fine, \$100. (F. & D. No. 7658. I. S. No. 20231-1)

On October 28, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Welbanks & Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 16, 1915, from the State of California into the Territory of Hawaii, of a quantity of oranges which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Density of juice (degrees Brix)----- 10.32
Acidity, as anhydrous citric acid (per cent)----- 1.50
Ratio of 6.88 parts soluble solids to 1 part acid. Flavor of
the oranges was very sour, and their color was 90 per cent of
full coloration.

Adulteration of the article was alleged in the information for the reason that it consisted of an inferior product, to wit, unripe oranges, which had been colored in a manner whereby their inferiority to ripe oranges was concealed.

On August 30, 1918, the case having come on for hearing before the court, the defendant was adjudged guilty. On September 27, 1919, the case having come on for final disposition, the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6931. Misbranding of Wine of Chenstohow. U. S. * * * v. 29 Cases of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8868. I. S. No. 4452-p. S. No. E-994.)

On March 16, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 24, 1918, an amended libel, praying the seizure and condemnation of 29 cases, each containing 24 packages of Wine of Chenstohow, at Elizabethport, N. J., alleging that the article had been shipped on or about December 26, 1917, by A. Skarzynski & Co., Buffalo, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of

the Food and Drugs Act, as amended. The article was labeled in part: "Celebrated Curative Wine of Chenstohow. Those who suffer with general debility, loss of strength or appetite, indigestion, constipation, piles, pains, etc., should use the Curative Wine of Chenstohow * * *."

Analysis of a sample of the product from a previous shipment had shown that it consisted essentially of alcohol, extract from a laxative plant drug, small amounts of mineral salts, and glycerin, sugar, and water.

Misbranding of the article was alleged in substance in the amended libel for the reason that the statements borne on the labels on the bottles and on the wrappers were false and fraudulent in that they represented that the article would produce certain therapeutic effects as claimed for it on said labels and wrappers, whereas, in truth and in fact, the article would not produce the therapeutic effects as claimed in said wrappers and labels.

On December 18, 1918, A. Skarzynski & Co., Buffalo, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6932. Misbranding of Wine of Chenstohow. U. S. * * * v. 13 Cases of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8872. I. S. No. 4454-p. S. No. E-996.)

On March 18, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 24, 1918, an amended libel, praying the seizure and condemnation of 13 cases, each containing 24 packages of Wine of Chenstohow, at Jersey City, N. J., alleging that the article had been shipped on or about February 13, 1918, by A. Skarzynski & Co., Buffalo, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Celebrated Wine of Chenstohow Medicinal Compound."

Analysis of a sample of the product from a previous shipment had shown that it consisted essentially of alcohol, extract from a laxative plant drug, small amounts of mineral salts, and glycerin, sugar and water.

Misbranding of the article was alleged in the amended libel for the reason that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the bottle and wrapper. Misbranding of the article was alleged for the further reason that the statement borne on the label and on the wrapper, to wit, "Those who suffer with general debility, loss of strength or appetite, indigestion, anemia, headache, insomnia, constipation, etc., who use the curative Wine of Chenstohow and they will positively recover," was false and fraudulent in that it represented that the article would positively benefit and cure those suffering from "general debility, loss of strength or appetite, indigestion, anemia, headache, insomnia, constipation, etc.," whereas, in truth and in fact, the article would not produce